



Reprinted
February 3, 2009

SENATE BILL No. 47

DIGEST OF SB 47 (Updated February 2, 2009 2:05 pm - DI 106)

Citations Affected: IC 24-4; IC 35-43; noncode.

Synopsis: Conversion by failure to return rented property. Requires a lessor to include in a rental or lease agreement: (1) the date, time, and place that a leased item must be returned; and (2) the potential criminal penalties faced by a person who violates the terms of a rental or lease agreement. Makes it a Class D felony if a person knowingly or intentionally fails to return a leased motor vehicle or item of personal property with intent to deprive the property owner of the use of the property, unless the person: (1) notifies the lessor on or before the return date specified in the rental or lease agreement that the person will be unable to return the leased or rented property in a timely manner; and (2) returns the leased or rented property within ten days of the specified return date.

Effective: July 1, 2009.

Steele, Bray, Arnold, Tallian

January 7, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 14, 2009, amended, reported favorably — Do Pass.

January 22, 2009, read second time, ordered engrossed.

January 23, 2009, engrossed.

January 27, 2009, returned to second reading.

February 2, 2009, re-read second time, amended, ordered engrossed.

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SB 47—LS 6227/DI 106+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 47

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]:

4 **Chapter 9.5. Rental and Lease Agreements**

5 **Sec. 1. A lessor shall include the following in a rental or lease**
6 **agreement for a motor vehicle or an item of personal property:**

7 (1) **The specific date, time, and place that the motor vehicle or**
8 **item of personal property being rented or leased must be**
9 **returned.**

10 (2) **The potential criminal penalties the lessee may be subject**
11 **to for violating the terms of the rental or lease agreement.**

12 SECTION 2. IC 35-43-4-3.3 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2009]: **Sec. 3.3. (a) A person who knowingly or intentionally fails**
15 **to return a leased or rented:**

16 (1) **motor vehicle; or**

17 (2) **item of personal property that has a value greater than**

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1 five thousand dollars (\$5,000);
2 to a location and by a date specified in a written agreement with
3 intent to deprive the owner of the motor vehicle or item of personal
4 property of the use of the motor vehicle or item of personal
5 property commits rental conversion, a Class D felony.

6 (b) It is a defense to a prosecution under this section that the
7 person, on or before the date specified in the rental agreement:

8 (1) notified the provider of the leased or rented property that
9 the person would be unable to return the leased or rented
10 property as set forth in the rental or lease agreement; and

11 (2) the leased or rented property is returned within ten (10)
12 days of the original return date.

13 SECTION 3. [EFFECTIVE JULY 1, 2009] IC 35-43-4-3.3, as
14 added by this act, applies only to crimes committed after June 30,
15 2009.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 47, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, delete "(a)".

Page 2, delete lines 6 through 42.

Page 3, delete lines 1 through 5.

and when so amended that said bill do pass.

(Reference is to SB 47 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 47, which is eligible for third reading, be returned to second reading for purposes of amendment.

STEELE

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 47 be amended to read as follows:

Page 1, line 14, after "Sec. 3.3." insert **"(a)"**.

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"(b) It is a defense to a prosecution under this section that the person, on or before the date specified in the rental agreement:

(1) notified the provider of the leased or rented property that the person would be unable to return the leased or rented property as set forth in the rental or lease agreement; and

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(2) the leased or rented property is returned within ten (10) days of the original return date."

(Reference is to ESB 47 as printed January 15, 2009.)

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